

UNIVERSITY OF TENNESSEE RESEARCH
FOUNDATION and SAINT MATTHEW
RESEARCH, LLC,

Plaintiffs,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY and HP ENTERPRISE
SERVICES, LLC

Defendants.

V.

HEWLETT PACKARD ENTERPRISE)
COMPANY and HP ENTERPRISE)
SERVICES, LLC)
)
Defendants.)
)

Plaintiffs’ Complaint should be dismissed under Rule 12(b)(3), or transferred to a proper venue under 28 U.S.C. § 1406(a), because Plaintiffs do not allege, and cannot show, that either Defendant resides in or “has committed acts of infringement and has a regular and established place of business” in this District. 28 U.S.C. § 1400(b). In addition, Plaintiffs’ Complaint fails to allege facts plausibly supporting Plaintiffs’ allegations of patent infringement under the pleading standard recited in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). For that reason, it should also be dismissed under Rule 12(b)(6).

This Motion is supported by the contemporaneously-filed Declaration of Deborah Eaton and Exhibits B-D thereto. In further support of this motion, Defendants rely on their Brief in Support of Their Motion to Dismiss or Transfer for Improper Venue and for Failure to State a Claim, filed herewith.

Therefore, for the reasons stated herein and in the other documents filed in support of Defendants' motion, Defendants respectfully request that the Court grant their Motion to Dismiss or Transfer.

Dated: August 31, 2017

Respectfully Submitted,

/s/ Mark N. Reiter

GIBSON, DUNN & CRUTCHER LLP

Mark N. Reiter (admitted pro hac vice)

mreiter@gibsondunn.com

Michael A. Valek (admitted pro hac vice)

mvalek@gibsondunn.com

2100 McKinney Avenue, Suite 1100

Dallas, TX 75201

Tel: (214) 698-3100

Fax: (214) 571-2900

GIBSON, DUNN & CRUTCHER LLP

Neema Jalali (admitted pro hac vice)

njalali@gibsondunn.com

555 Mission Street

San Francisco, CA 94105-0921

Tel: (415) 393-8200

Fax: (415) 393-8306

PAINE BICKERS LLP

Matthew J. Evans (BPR #017973)

Lindsey M. Collins (BPR #033426)

900 South Gay Street, Suite 2200

Knoxville, TN 37902-1821

Tel: (865) 525-0880

Fax: (865) 521-744

*Attorneys for Defendants Hewlett Packard Enterprise Company
and HP Enterprise Services, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2017, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Mark N. Reiter
Mark N. Reiter